



GWIPS  
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19 MAR 2007

In re Application of :  
Chang et al. :  
Application No.: 10/526,426 :  
PCT No.: PCT/KR03/01694 :  
Int. Filing Date: 22 August 2003 : DECISION  
Priority Date: 04 September 2002 :  
Attorney Docket No.: P5089/JRIM :  
For: Electronic Toilet And Flushing System :

This is in response to the "Request To Change Primary Inventor" filed on 10 January 2006, the "Request To Add The Primary Inventor's Name" filed on 18 September 2006, and the "Request To Withdraw The Petition" filed on 24 February 2007.

### **BACKGROUND**

This international application was filed on 22 August 2003, claimed an earlier priority date of 04 September 2002, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 18 March 2004. The 30 month time period for paying the basic national fee in the United States expired at midnight on 04 March 2005. Applicants filed *inter alia* the basic national fee on 02 March 2005. Also filed on 02 March 2005 was a declaration nominating Mr. Lim.

On 08 September 2005, applicants filed a declaration nominating Mr. Chang and Mr. Lim.

On 14 September 2005, a Notice of Acceptance (Form PCT/DO/EO/903) was mailed, indicating the date of this application under 35 U.S.C. 371(c)(1), (2) and (4) to be "03/02/2005."

### **DISCUSSION**

Review of the record reveals that the declaration filed on 02 March 2005 was defective because it did not nominate one of the inventors (Mr. Chang) who was named in the published international application, and because the application file includes no evidence that he was removed as an inventor pursuant to PCT Rule 92*bis*. Therefore, the Notice of Acceptance (Form PCT/DO/EO/903) mailed on 14 September 2005 was issued erroneously, and it is hereby **VACATED**.

The "Request To Change Primary Inventor" filed on 10 January 2006 requests in effect that Mr. Chang be the first-named inventor, while the "Request To Withdraw The Petition" filed on 24 February 2007 seeks to withdraw the "Petition" filed on 10 January 2006. Since Mr. Chang is already the first-named inventor in this national stage application, both of these requests are **DISMISSED AS MOOT**.

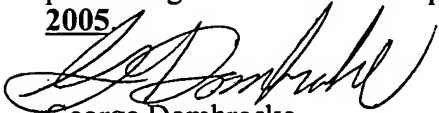
• The "Request..." filed on 18 September 2006 seeks to add "Chang, Hee Seok" as an inventor, alleging that his name "was mistakenly omitted when this PCT entered into the U.S. National Phase. A newly executed Declaration has filed on September 08, 2005." Although the declaration filed on 02 March 2005 did not provide Mr. Chang's name, this error was not sufficient to change his status as an inventor. Thus, Mr. Chang remained an inventor of this international application despite the submission of a defective declaration. Therefore, it is not now necessary to add him as an inventor. Therefore, the "Request..." filed on 18 September 2006 is **DISMISSED AS MOOT**.

### **DECISION**

Request To Change Primary Inventor" filed on 10 January 2006, the "Request To Add Primary Inventor's Name" filed on 18 September 2006, and the "Request To Withdraw The Petition" filed on 24 February 2007 are **DISMISSED AS MOOT**.

The \$130.00 surcharge under 37 CFR 1.492(h) is being charged to counsel's Deposit Account No. 50-1992, as authorized by the Transmittal Letter filed on 02 March 2005.

The application is being returned to the National Stage Processing Branch for further processing. The date of this application under 35 U.S.C. 371(c)(1), (2) and (4) is **08 September 2005**.



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